(1) (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

SINGLE BENCH

WRIT PETITION No.2947/2006

PETITIONER

Smt Basan Raha W/o- Ashim Kumar Viswas, Aged about 39 years R/o- Village Jhagarpur, Tahsil Lailunga, District Raigarh (C.G.)

P.R. No. 2947/06
Presented by Shri AK Ashley
on 21/6/06

VERSUS

RESPONDENTS

1. State of Chhattisgarh Through – The Secretary Health Department, D.K.S. Bhawan Raipur (C.G.)

2. The Chief Medical and Health Officer, Raigarh, Distt. Raigarh (C.G.)

3. The Block Medical Officer Lailunga District Raigarh (C.G.)

4. The Director, Medical and Health Department, Raipur (C.G.)

5. Smt. Shanta Sai Chairman Swasth Mahila avam Bal Kalyan Samit, Jilla Panchayat Raigarh Distt Raigarh (C.G.)

6. Smt. Puni Bai A.N.M. Mini P.H.C. Tatkaliya, Block Lailunga, Distt-Raigarh (C.G.)

RE[illegible]-COPY
21/6/06
CLE[illegible] H.C. BILASPUR

OATH COMMISSIONER
APARNA MALVIYA
Bilaspur Chhattisgarh
20/6/06

WRIT PETITION UNDER ARTICLE 226/227 OF

THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2947 सन् 2006

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

23-6-2006

Mr. A.K. Athaley, counsel for the petitioner.

Mr. A.S. Kachhawaha, Govt. Advocate for the State/respondents No.1 to 4.

Heard both the counsel.

By this writ petition under Article 226/227 of the Constitution of India, the petitioner has questioned correctness and propriety of the order dated 30th May, 2006, passed by the Chief Medical & Health Officer, Raigarh, whereby the petitioner has been transferred from Sub Health Centre, Jhagarpur to Katkaliya.

Learned counsel for the petitioner submits that the transfer has been made at the instance of respondent No.5 Smt. Shanta Sai, Chairman, Swasth Mahila Avam Bal Kalyan Samiti, Zila Panchayat: Raigarh, and copy of the transfer order has also been sent to respondent No.5.

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and having perused the record, the petitioner in order to assail the transfer order has not only to allege, but establish that the transfer order has been made on mala fide basis contrary to the statutory rules or that the authority who has passed the transfer order is not competent to pass the same. Merely by saying that the transfer has been made at the instance of respondent No.5 cannot be a ground for challenge of the transfer seeking judicial review against the order impugned. The petitioner is already working since last ten years on the place from where she has been transferred. Moreover, the transfer has been made within the same block. By sending a copy to respondent No.5 who is none else than the Chairman of Swasth Mahila Avam Bal Kalyan Samiti, Zila Panchayat: Raigarh, meant for looking after the activities relating to health, it

XI-HC-78

(17)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P.2947/.. **सन्** 200 6

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

cannot be inferred or presumed that respondent No.5 has some bias against the petitioner and on account of that the petitioner has been transferred. Therefore, the petitioner has not been able to make out a case for judicial review and inference by this Court exercising the extra ordinary jurisdiction under Article 226/227 of the Constitution of India.

The petition is therefore, liable to be dismissed and it is accordingly, dismissed, at the admission stage itself.

Consequently, M.(W.)P.No.2256/2006 stands disposed of.

Sd/-
L.C. Bhadoo
Judge

Soma